

THE HARMAN FIRM, LLP

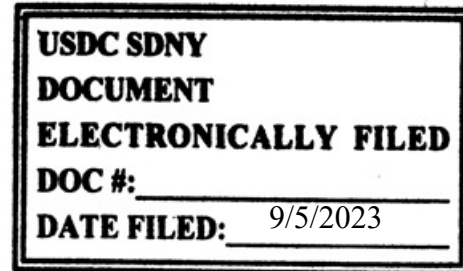
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August 22, 2023

Via ECF

Hon. Mag. Katharine H. Parker
Daniel Patrick Moynihan
United States Courthouse
Courtroom 17D
500 Pearl St.
New York, NY 10007-1312



Re: 1:23-cv-01387, HOPE LEVY / PREMIER HEALTHCARE, INC, YAI, ALEK HOYOS, JEFF MORDOS, KEVIN CAREY, and ANTHONY OTTRANDO, Letter Motion on Settlement

Hon. Judge Parker:

This case is scheduled to be mediated before Your Honor on September 14, 2023, in person. Plaintiff Hope Levy (“Plaintiff”) will attend as she is the sole decisionmaker on her case. Defendants Premier HealthCare, Inc, YAI, Alek Hoyos, Jeff Mordos, Kevin Carey, and Anthony Ottrando (“Defendants”) do not appear to be the sole decisionmakers on settlement, however, for Defendants. Specifically, Defendants have tendered this case to insurance carriers who will, in whole or in part, satisfy any judgement against them.¹ Accordingly, representation from the insurance carriers is necessary if any meaningful discussions are to be accomplished during the settlement conference. Defendants also failed to respond to Plaintiff’s settlement demand, in contravention to Your Honor’s directive.

¹ Defendants YAI and Premier HealthCare identified insurance agreements in their Initial Disclosures and have confirmed their contact with insurers.

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Plaintiff makes this short application for the following relief: i) a response to her latest demand (made in December 2022) by a date certain² and ii) an order that all persons with settlement authority be physically present at the conference.³ Plaintiff understood from Your Honor's conference on May 16, 2023 that Defendants were to provide a response to the latest demand no later than 30 days before the conference on September 14, 2023. Plaintiff has yet to receive a response to her December 2022 demand.

On August 1, 2023, Plaintiff's counsel emailed Defendants' counsel: "we want to confirm and demand that all people / entities with settlement authority are physically present at the mediation, including any and all insurance representatives. We have had a number of mediations fail because the person appearing telephonically could not be reached." Defendants' counsel responded that "[w]e fully intend to have appropriate representatives from YAI with settlement authority and will send our counter in due course." Plaintiff has not received the counter and has no confirmation about who will attend the settlement conference.

Plaintiff simply does not want to waste the Court's time, effort, and resources on a failed mediation. Having a response to Plaintiff's demand, and an assurance that everyone with authority to settle this case will be present, will only help facilitate the mediation and, hopefully, lead to a successful conclusion. Plaintiff respectfully requests this Court order that Defendants deliver a response to the demand within the next seven days and that Defendants ensure that all

² Plaintiff understood that this response was due thirty (30) days before the conference.

³ As opposed to being available "by phone" at Defendants' discretion.

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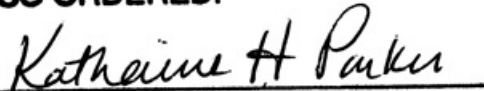
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persons with authority to settle this case be physically present at the conference on September 14, 2023.

Respectfully,



SO ORDERED:



**HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE**

9/5/2023

As Defendants have confirmed in their response letter that they will be responding to Plaintiff's settlement demand in accordance with this Court's rules and that Defendants will ensure proper attendance at the settlement conference in accordance with this Court's rules, Plaintiff's letter motion is denied as moot.

The parties are reminded to meet and confer to attempt to resolve any disputes.